

**TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES**

May 18, 2016

Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.

Held at 212 N. Toquerville Blvd, Toquerville Utah



6:30 PM WORK MEETING:

Present: Commissioners: Mike Ruesch, Dave Hawkins, Alex Chamberlain, Jake Peart; Staff: Mike Vercimak – Zoning Administrator, June Jeffery – Treasurer. Commissioner Jerome Gourley was absent.

Chair Mike Ruesch called the meeting to order at 6:32 p.m.

1. Review agenda items and any other assignments given to Planning Commission from City Council.

There were no new assignments given to the Commission. There will be an open meeting training at the next City Council work meeting on June 2, 2016. This training is required to be held yearly by State statute.

Commissioners would like to be able to have a public hearing for the Exterior Lighting/Night Sky/LED Lighting ordinance in July so that it can be sent to the City Council.

There was discussion about the number of audits to include in the ordinance. Last month they had talked about one audit or eliminating audits altogether. They finally decided that one audit would be appropriate because without any there would be no teeth in the ordinance. Hawkins doesn't agree with the ordinance at all and sees it as an infringement on personal rights.

Vercimak noted that the code calls out a lighting administrator. This is a position that the City doesn't currently have. It should state a position already in place in the city staff. Suggested alternatives were public works director, or city representative.

Peart felt that the audits are okay because there would need to be someone to regulate the issues. Discussion that the lighting ordinance doesn't just apply to city lights, but to personal lighting as well. Peart stated that he believes the dark sky is important and as he reviews the ordinance he keeps that in regard. Discussion about lights that are out-of-compliance. If there is light trespass in a neighborhood, neighbors could report it to the city, or talk to their neighbors about the trespass issue. Rather than regular audits, commissioners felt that the building official should look at the lighting plan at the time of building permit, the city should audit their own lights regularly, and otherwise audits would be complaint generated.

Ruesch stated that 80% of lighting fixtures are now cut-off lighting – meaning they are top-shielded. Peart restated he likes to see the stars and is supportive of protecting the dark sky. Hawkins stated that he believes that it costs too much to install new lighting – that as the city grows it won't make a difference. Chamberlain referenced Flagstaff, Arizona which has grown, but the light emitted into the night sky has not increased because of their protective ordinances. Discussion that street lighting is the biggest cost and LED installation will pay for itself over time. The City is in a unique position because as developers come in, they will be required to meet the new standard.

Chamberlain noted that in the draft ordinance, the underlined parts are insertions.

Discussion that hillsides - Item 10-24-4-7, may need greater shielding and that statement will give the City a resource in special cases. There was agreement that the additional shielding should be kept and reviewed with the building permit process. Items A, B, and C do not require anything from those exempted by FAA or FCC requirements, all others must conform.

Discussion about parking lot lighting - Item 10-24-4-6, regarding height limitations in residential areas. There was discussion that parking an RV in a "residential parking" area with an 8' height as stated, may be too low. There is concern that the higher the lighting fixture, the more light pollution. MUTCD states 12' as a minimum height above roadways. It is more reasonable to allow 12' heights, rather than 8'. Direction to strike the 8' and add 12'.

Page 11, item 3 and 4 regarding holiday lighting generated some discussion. It is currently in code as stated. Peart stated concern of discrimination if there are any December exclusions. Hawkins again stated he is against rules and regulations and doesn't want to violate personal rights. A couple of the commissioners replied that both parties – those with lights and those whose neighbor has lights – have rights. The Commission is required to protect both sides. Discussion that if the neighbor relations are good, you can talk with the neighbor. If not, both sides need protection from the other.

Vercimak pointed out that just because there is a lack of manpower to audit, doesn't mean that complaints can't be responded to. There are many ways to enforce.

2. Reports and updates:
There were none.

Meeting ended at 7:00 p.m.

7:00 PM REGULAR MEETING:

Present: Commissioners: Chair Mike Ruesch, Dave Hawkins, Alex Chamberlain, Jake Peart;
Staff: Mike Vercimak – Zoning Administrator, June Jeffery – Treasurer. Commissioner Jerome Gourley was absent.

1. Call to order by Mike Ruesch, PC Chair at 7:00 p.m. Pledge of Allegiance by Jake Peart.
2. Disclosures and Declaration of Conflicts from Commission members. None given.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of PC Meeting Minutes from April 20, 2016.

Motion by Commissioner Chamberlain to approve the planning commission minutes from April 20, 2016, second by Commissioner Hawkins. Motion carried 4-0.

B. PRESENTATIONS:

None

C. PUBLIC FORUM:

No Comments

D. PUBLIC HEARING:

1. Business and Manufacturing Zone – BMP Ordinance

Motion by Commissioner Chamberlain to open the public hearing, second by Commissioner Peart. Motion carried 4-0.

Chair Ruesch reviewed that the BMP Ordinance covers the business, manufacturing zone. Utility minor was moved from permitted to conditional use. New section 5 was added to allow heights from 50' to 100' with conditions.

There was no public comment.

Motion to close the public hearing by Commissioner Hawkins, second by Commissioner Chamberlain. Motion carried 4-0.

E. BUSINESS/ACTION ITEM(S)

1. Discussion and possible recommendation of approval of the Business and Manufacturing Zone – BMP Ordinance.

There was brief discussion that Ruesch had voted against the ordinance last month. Ruesch cited that he felt that the changes shouldn't be in the BMP zone, but in an Industrial zone. Suggestions to rezone the area to Industrial were answered that the owner would have to apply for the rezone. At the time, this is the best solution. There is a feeling from the Council to move this along. If Council wants to clean this up in the future, it will come back then, but the Council should make the decision.

Motion by Commissioner Hawkins to recommend approval of the BMP Ordinance to the City Council, second by Commissioner Chamberlain. Motion carried 3-1 with the following vote: Chamberlain – Aye, Hawkins – Aye, Ruesch – Aye, Peart – Nay.

3. Discuss - LED Lighting Ordinance and possible Public Hearing.

Commissioners again stated a desire to have this in a public hearing in July. Ruesch has an email in to Ted Maestas, regional manager of Mountain States Lighting who did the presentation on LED lighting and hasn't heard back from him. He would like to have that information worked in. There was general consensus that the ordinance will not be ready, but that it should be discussed as far as the Commission can tonight and then figure out what should be done.

Commissioners returned to the holiday lighting item where they left off discussion in the work meeting. Hawkins would like to delete 11:00 p.m. Ruesch suggested that doing that would give the neighbor, who may be bothered by the lighting, no place to go. He would like to leave it in so there is an option. Peart restated that the Commission is responsible to protect all rights. The holiday lighting section was not changed.

Item C is about parking lots - that makes two sections regarding parking. Ruesch suggested deleting the underlined section 6 that was already discussed.

Page 13 item 4 Illumination of Right of Ways – Ruesch would really like to have response from Maestas before addressing this area. This is technical information – the center of an intersection is required to have a certain amount of illumination according to the MUTCD. It would be important to rely on the expert.

Page 16 Item 4 states that LED lights are the only acceptable lighting. Hawkins is interested in allowing up to 4,000 kelvin because the 2700 is more expensive and less available. There was also a concern that the light was not consistent. He also wanted to suggest a higher kelvin – at least 3,000 so that there would be an option to go a little higher, cheaper, and more available, and then go lower if desired. Chamberlain stated that the LED lights can last up to 20 years and that in the interim the City would be stuck with that decision. Peart wants to do what is right for the night sky. He felt that it didn't matter whether the City went with the more expensive light or not, they

would both pay for themselves in time. Ruesch reminded that money for the LED project is already in the budget-to-be-approved.

Chamberlain asked who liked blue headlights on cars, and compared that to the higher LED street lighting. He also explained that health risks have been identified for bluer lighting, including cancers, sleep deprivation, obesity, and diabetes. He doesn't want to gamble with residents' health. If it costs more, maybe there would be a need to do it over two budget years, but he is determined that the ordinance should require 2700 and no higher. Peart supported because he likes the night sky, and is concerned about health risks...if 2700 is the magic number, it should stay there. It is at least not worse than what is in the City right now. Further discussion regarding blue light shining in one's house at night. Chamberlain stated that Apple is warming up the light on Ipads and other electronics because of the proven risks. Commissioners generally supported the 2700.

Moving on in the ordinance, Ruesch suggested removing all the tables. Statements regarding administration should be public works or city representative. Ruesch said that when he receives notes from Maestas, he would forward them to the commissioners.

Vercimak summed up that property rights go as far as the next person's rights, and that health risks are a valid concern. He also wants to make sure that the "travelling public" has enough light to navigate, not only by vehicle, but as pedestrians. There is an expectation to see those items addressed with Maestas' report and plan.

Vercimak suggested that the ordinance be tabled until the next meeting when the commissioners could review a final draft with the expert's notes included.

Ruesch did a recap of the discussion and asked for vote –

- There would only be one audit at building construction, the city would review the street lights, otherwise, review would be complaint-driven. Hawkins voted no.
- Parking lot lights – delete underlined section 6. Agreement.
- Building permit – FAA. Agreement.
- Wait for foot-candle information from experts.
- 2700 kelvin – Ruesch, Peart, Chamberlain yes, Hawkins wants 3,000
- Instead of Lighting Administrator change to city representative. Agreement.

Motion by Commissioner Hawkins to table the ordinance to the next meeting to review and make changes and receive information from the experts, second by Commissioner Chamberlain. Motion carried 4-0.

F. HO/CUP REVIEW:

None

G. Adjourn:

Motion to adjourn by Commissioner Chamberlain, second by Commissioner Hawkins at 7:30 p.m. Motion carried 4-0.

Approved: 
Alex Chamberlain, Pro Tem Planning Commission Chair

Date: July 27, 2016

Attested: 
Dana M. McKim, City Recorder